

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

LEMOND CYCLING, INC.,

Plaintiff,

v.

TREK BICYCLE CORPORATION,

Defendant and Third-Party
Plaintiff,

v.

GREG LEMOND,

Third-Party Defendant.

Case No. 08-CV-1010 (RHK-JSM)

**TREK'S MOTION FOR
SUMMARY JUDGMENT**

Defendant and Third-Party Plaintiff Trek Bicycle Corporation, by and through its attorneys, respectfully moves the Court for entry of an Order (1) dismissing each of the claims asserted by LeMond Cycling, Inc. against Trek Bicycle Corporation ("Trek") with prejudice; (2) granting Trek's motion for summary judgment on its claim for declaratory relief, affirming Trek's entitlement to terminate the parties' contractual relationship based upon LeMond Cycling, Inc.'s and Greg LeMond's (collectively "LeMond") violation of § 13.02.01 of the licensing and endorsement agreement; (3) granting Trek's motion for summary judgment establishing LeMond's liability for breach of contract, based upon LeMond's violation of § 13.02.01 of the licensing and endorsement agreement; and (4) finding that the amount of damages caused by LeMond's breach of contract shall be determined by the jury at trial.

This motion is based upon Rule 56 of the Federal Rules of Civil Procedure as well as Trek's Memorandum of Law in Support of its Motion for Summary Judgment, including all documents cited therein.

GASS WEBER MULLINS LLC

Dated: October 9, 2009

s/Ralph A. Weber

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